

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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DR. MILTON PRYSTOWSKY, in his own right
and as EXECUTOR OR THE ESTATE OF ROSE
PRYSTOWSKY,

Plaintiff,

v.

TGC STORES, INC., ADT SECURITY
SERVICES, INC., INVACARE CORPORATION,
GOLDEN BROTHERS, INC. d/b/a GOLDEN
TECHNOLOGIES, PRIDE MOBILITY
PRODUCTS CORP. and JOHN DOES 4 – 10

Defendants.

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PRIDE MOBILITY PRODUCTS CORP.

Third-Party Plaintiff,

v.

DEWERT MOTORIZED SYSTEMS, PHOENIX
MECANO, INC. and KINGSTEC INDUSTRIES,
INC., and JOHN DOES 1 – 10

Third-Party Defendants.

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**Civil Action No.
2:07-cv-00072-SDW-MCA**

**ORDER AMENDING
MARCH 23, 2011 ORDER
AND RECORD,
CERTIFYING ISSUES FOR
INTERLOCUTORY APPEAL
PURSUANT TO §1292(b),
AND STAYING
PROCEEDINGS**

THIS MATTER having come before the Court upon motion of Miranda Sambursky Slone Sklarin Verveniots, LLP, counsel for defendant/third-party plaintiff Pride Mobility Products Corp. (“Pride”) for the entry of an Order certifying the Court’s March 23, 2011 Order and motion hearing record of that same date for interlocutory appeal pursuant to 28 U.S.C. §1292(b) and staying proceedings pending a resolution of the appeal; and the Court having considered the submissions and arguments of all parties; and for good cause shown,

IT IS, on this ____ day of _____, 2011;

ORDERED as follows:

1. Pride's motion for 28 U.S.C. §1292(b) certification and for a stay of proceedings is hereby **GRANTED**.

2. The Court's March 23, 2011 Order and record is hereby Amended to include the following findings:

- a. The March 23, 2011 Order and record involves controlling questions of law as to which there is substantial ground for a difference of opinion;
- b. An immediate appeal from the March 23, 2011 Order and record would materially advance the ultimate termination of the litigation.

3. Accordingly, the Court hereby certifies the March 23, 2011 Order pursuant to 28 U.S.C. §1292(b).

4. All proceedings before this Court shall be and are hereby **STAYED**, pending resolution of the appeal of the March 23, 2011 Order and record to the United States Court of Appeals for the Third Circuit.

SO ORDERED.

Honorable Susan D. Wigenton
United States District Judge